

# AB 1601 – Repeat DUI Offenders

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## Assemblymember Jerry Hill

### IN BRIEF

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- Repeals the arbitrary 10-year look back period state law requires the DMV to use on repeat DUI offenders.
- Authorizes judges to repeal licenses for drivers who receive 3 or more DUIs.

### THE ISSUE

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A series of news articles in November about a Burlingame man who had eight DUIs and was able to get his license back only to get his ninth DUI highlighted several problems with California law.

According to 2008 data from the National Highway Traffic Safety Administration there are over 310,000 Californians with three or more DUI convictions.

Repeat DUI offenders are endangering constituents throughout California. In 2008, over 1,000 people were killed by drunk drivers in California and another 28,000 were injured.

The National Highway Traffic Safety Administration estimates that one-third of the annual 1.5 million DUI arrests are repeat offenders.

### THE SOLUTION

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AB 1601 makes two revisions to state law making it more difficult for repeat drunk drivers to get their license back.

1. Repeals the arbitrary 10-year look back period state law requires the DMV to use on repeat DUI offenders.
  - Current law allows individuals to get their license back even if they've had 8 DUIs like the individual from my district who was the subject of a series of articles in the San Mateo County Times. When this person received their eighth DUI in 2004, it was treated as being their third because the

others fell outside the 10-year window. If all of this persons' previous convictions had been taken into account, they would have faced multiple years in prison and a minimum three-year license revocation. Instead, they got their driving privileges back in 2008 and received their ninth DUI in 2009.

- The DMV needs to look at a driver's entire record so that penalties are consistent with the crime. Eight DUIs should be treated as eight DUIs regardless of when someone received them.

2. Authorizes judges to repeal licenses for drivers who receive 3 or more DUIs.

- Under current law, DUI drivers have to hurt or kill someone for their license can be revoked.
- Under this proposal, when a driver receives their third DUI conviction the judge would be allowed to revoke their license upon taking various considerations into account, including but not limited to: the period of time that has elapsed since the person's previous convictions; the person's participation and successful completion of an alcohol treatment program, the person's risk to traffic or public safety; the person's ability to install an ignition interlock device.

### Co-Authors

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### FOR MORE INFORMATION

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